

1 THE HONORABLE BRIAN D. LYNCH
2 CHAPTER 13

3 HEARING DATE: June 26, 2019

4 HEARING TIME: 1:30 P.M.

5 LOCATION: Tacoma, Washington

6 RESPONSE DATE: June 19, 2019

7
8
9
10 IN THE UNITED STATES BANKRUPTCY COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON AT TACOMA

12 In re:

Case No.: 19-40101-BDL

13 SHERRY ANN SPIER,

14 NOTICE OF AND MOTION FOR DISMISSAL
15 PURSUANT TO 11 U.S.C. § 1307(c)

16 Debtor.

17 NOTICE

18 **YOU ARE HEREBY NOTIFIED** that a hearing on Trustee's Motion to Dismiss will
19 be heard before the Honorable Brian D. Lynch at **1:30 P.M. on June 26, 2019**, at the U.S.
20 Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom I, Tacoma, WA 98402.

21 **IF YOU OPPOSE** this motion, you must file your written response with the Court
22 Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN
23 THE RESPONSE DATE, which is **June 19, 2019**. You should also appear at the time of
24 hearing. If you fail to do so, the Court may enter an order granting the motion without any
25 hearing and without further notice.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtor filed this case on **January 14, 2019**. The case was confirmed by order of the Court on **March 27, 2019**.
2. Pursuant to the confirmed plan, Debtor is required to make plan payments of **\$3,500.00** per month. Debtor is presently delinquent in plan payments in the amount of **\$8,799.93**. An estimated Priority I.R.S. claim was filed after confirmation and the plan is now underfunded to complete in the remaining months allowed, supported by the Declaration filed herewith.
3. The claim is for unfiled returns that the Debtor was to have filed prior to confirmation.
4. Debtor has defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 16th day of May, 2019 at Tacoma, Washington.



Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee